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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/311,148	05/13/1999	TETSURO MOTOYAMA	5244-0092-2	9858

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EXAMINER

TRAN, MYLINH T

ART UNIT PAPER NUMBER

2174

DATE MAILED: 06/05/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/311,148

Applicant(s)

MOTOYAMA ET AL.

Examiner

Mylinh T Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on Amendment filed on 03/11/02.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

Applicant's Amendment filed on 03/11/02 has been entered and carefully considered. Claims 1, 8, 15 and 22 have been amended. Limitations of amended claims have not been found to be patentable over prior art of record, therefore, claims 1-28 are rejected under the same ground of rejection as set forth in the Office Action mailed (09/11/01).

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 1-3, 5-10, 12-17, 19-24 and 26-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Wygodny et al. [U.S. 6,202,199].

As to claims 1, 8, 15 and 22, Wygodny et al. discloses an interface of a target application, the interface comprising a plurality of operations to be selected by a user (figure 2, column 5, lines 1-23 and column 7, lines 11-38), a monitoring unit configured to directly monitor user selections of the plurality of operations of the interface by the user (column 5, lines 25-47), and to generate a log of the monitored data, the log indicating the selections of the plurality of operations by

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the user (figure 1C, 122, column 2, lines 52-67 and column 6, lines 11-31), and a communicating device configured to communicate the log of the monitored data (column 11, lines 52-67 and column 12, lines 1-6).

As to claims 2, 9, 16 and 23, Wygodny et al. shows the target application is a software

application and the interface is a display screen of the software application (column 8, lines 21-32).

As to claims 3, 10, 17 and 24, Wygodny et al. teaches the target application is an image forming device and the interface is an operation panel of the image forming device (column 9, lines 9-61 and column 28, lines 28-38).

As to claims 5, 12, 19 and 26, Wygodny et al. also teaches the communicating device sends the log of the monitored data when the user exits the target application (column 5, lines 25-53).

As to claims 6, 13, 20 and 27, Wygodny et al. also shows a setting unit configured to set

a number of sessions of the target application to be executed by the user prior to the communicating device communicating the log of the monitored data (column 20, lines 53-56 and column 30, lines 21-33).

As to claims 7, 14, 21 and 28, Wygodny et al. discloses the communicating device communicates the log of the monitored data by Internet mail (column 15, lines 17-30 and column 26, lines 31-43).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4, 11, 18 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wygodny et al in view of Halviatti et al. [U.S.5,790,117].

As to claims 4, 11, 18 and 25, the difference between Wygodn and the claim is the target application is an appliance and the interface is an operation panel of the appliance. Halviatti et al. shows the target application is an appliance and the interface is an operation panel of the appliance (column 8, lines 62-67 and column 9, lines 1-30). It would have been obvious to one of ordinary skill in the art, having the teachings of Wygodny et al. before him at the time the invention was made to modify communicating device taught by Wygodny et al. to include the appliance and operation panel of Halviatti et al., because of providing for events specific to that application as taught by Halviatti et al.

***Response to Arguments***

Applicant has argued that Wygodny does not teach "a monitoring unit configured to directly monitor user selections of the plurality of operations of the interface by the user, and to generate a log on the monitor data, the log

indicating the selections of the plurality of operations by the user". However, the Examiner does not agree. Applicant's attention is directed to the cite "using remote mode a developer can trace the remote execution of a program that has been shipped to an end user... The system can also be used in an online mode wherein the developer can interactively trace a program and view the trace results in real time" on column 5, lines 15-24. GUI is a part of a program. Therefore, user selections on GUI which is a part of a program. So, the process of monitoring the user selections on GUI is a part of the process of monitoring the program. It is clearly that Wygodny teach the monitoring unit configured to directly monitor user selections of the plurality of operations of the interface by the user.

Applicant has also argued that an interface of an operation panel of an appliance of Halviatti are unrelated to the system or objective of the device of Wygodny. However, the Examiner does not agree because Wygodny teaches an interface of a target application and Halviatii teaches the target application that is an image forming device such as a printer and the appliance that is a palm top computer too.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply

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is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

***Conclusion***

Any inquiry concerning this communications or earlier communications from the examiner should be directed to examiner Mylinh Tran whose telephone number is (703) 308-1304. The examiner can normally be reached on Monday to Thursday from 8.30am 6.30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached at the number (703) 308-0640. The fax number for this group is (703) 308-9051.

Any inquiry of general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (703) 305-3900.

Mylinh Tran

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